

JOURNAL OF THE FLORIDA SENATE

Friday, February 25, 1972

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

By Senator Deeb—

SB 1148—A bill to be entitled An act relating to the regulation of municipally-owned electric, water, sewer, and gas utilities; amending chapter 70-997, Laws of Florida, appearing as §§172.081 and 180.191, Florida Statutes, 1970 Supplement, Addendum, to provide a definition of the term "consumer"; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senators Ware, Deeb and Saylor—

SB 1149—A bill to be entitled An act relating to candidates for municipal office in Pinellas County; amending Chapter 61-2679, Laws of Florida, 1961, to provide a penalty for violating the provisions of said chapter; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1149.

—was read the first time by title and referred to the Committees on Judiciary—Civil B and Rules, Calendar, Privileged Business and Ethics.

By the Committee on Ways and Means—

SB 1150—A bill to be entitled An act relating to the supervision of safety equipment inspection stations; amending section 325.25(2), Florida Statutes, deleting the requirement that such supervision shall be by uniformed members of the Florida Highway Patrol, and providing such inspection by agents of the department of highway safety and motor vehicles; deleting the intent that a minimum percentage of receipts from this part shall be used for such supervision; providing an effective date.

—was read the first time by title and placed on the calendar.

By the Committee on Ways and Means—

SB 1151—A bill to be entitled An act making appropriations; providing moneys to the Department of Natural Resources, Division of Marine Resources for the period beginning March 1, 1972, and ending June 30, 1972, to pay salaries and other operating expenses of the Marine Research Laboratory; providing an effective date.

—was read the first time by title and placed on the calendar.

By the Committee on Ways and Means—

SB 1152—A bill to be entitled An act relating to public documents; adding section 283.27, Florida Statutes, to provide that every state department or agency which promulgates public documents must cause a statement of cost data and purpose to be reflected on each publication; providing an effective date.

—was read the first time by title and placed on the calendar.

By the Committee on Ways and Means—

SB 1153—A bill to be entitled An act relating to the control and supervision of data centers; creating subsections (12) and (13) of section 23.027, and amending subsection (2) of section 23.029, Florida Statutes; providing that the division of electronic data processing shall have complete control and supervision of designated data centers; providing that users of data centers be billed based upon a cost allocation system; providing for prior approval by the division of electronic data process-

ing of all contracts for electronic data processing hardware or software; providing an effective date.

—was read the first time by title and placed on the calendar.

By the Committee on Ways and Means—

SB 1154—A BILL TO BE ENTITLED AN ACT MAKING APPROPRIATIONS; PROVIDING MONEYS FOR THE ANNUAL PERIOD BEGINNING JULY 1, 1972, AND ENDING JUNE 30, 1973, TO PAY SALARIES, OTHER EXPENSES, CAPITAL OUTLAY—BUILDINGS AND IMPROVEMENTS, AND FOR OTHER SPECIFIED PURPOSES OF THE VARIOUS AGENCIES OF STATE GOVERNMENT; PROVIDING AN EFFECTIVE DATE.

—was read the first time by title and placed on the calendar.

SB 1155 was introduced out of order February 23.

The Senate recessed at 8:32 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—47:

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Saylor
Barrow	Fincher	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

Prayer by Senator Stolzenburg:

Our Heavenly Father: We come before thee this morning with grateful hearts for all the blessings we receive from thee. We thank you for body, mind and spirit. We humbly ask that you will increase our faith and trust in thee. We petition that you would grant us wisdom so that our actions and conduct—even our most innermost thoughts—will be acceptable in thy sight. Bless us and our families with good health, and grant to each of us a spirit of peace, contentment and happiness as we live this day to thy glory in thy service. We pray in the name of Christ Jesus, thy son, who died for us and rose again, that we might live eternally. Amen.

The Journal of February 24 was corrected and approved.

REPORTS OF COMMITTEES:

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Friday, February 25, 1972:

SB 743	SB 386	SB 131	SB 499
SB 594	SB 549	SB 595	SB 725
CS for HB 1204	SB 455	SB 144	
SB 450	HB 2702	SB 476	
SB 244	SB 970	SB 505	

George L. Hollahan, Jr., Chairman

The Committee on Commerce recommends the following pass:

SB 1078	SB 742
SB 221 with 2 amendments	SB 748
SB 702	SB 777
SB 800	

The Committee on Agriculture recommends the following pass:

SB 397 with 2 amendments	SB 870
SB 719 with 1 amendment	HB 3140

The Committee on Judiciary—Civil B recommends the following pass:

HB 3205 with 1 amendment	HB 778	SB 704
HB 3206 with 3 amendments	SB 700	SB 718

The Committee on Judiciary—Criminal recommends the following pass:

SB 594 with 1 amendment	HB 1038	HB 2678
SB 632 with 1 amendment	HB 2339	HB 3277
SJR 737		

The Committee on Natural Resources and Conservation recommends the following pass:

SB 648 with 1 amendment	SM 707	SCR 764
-------------------------	--------	---------

The Committee on Ways and Means recommends the following pass:

SB 174 with 3 amendments	SB 610 with 1 amendment
SB 586	SB 611

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Health, Welfare and Institutions recommends a Committee Substitute for SB 161.

The Committee on Health, Welfare and Institutions recommends a Committee Substitute for SB 608.

The Committee on Judiciary—Civil B recommends a Committee Substitute for SB 1155.

The Committee on Judiciary—Civil B recommends a Committee Substitute for SB 827.

The Committee on Judiciary—Civil B recommends a Committee Substitute for SB 684.

The Committee on Judiciary—Civil B recommends a Committee Substitute for SB 565.

The Committee on Judiciary—Civil B recommends a Committee Substitute for SB 417.

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary—Civil B recommends the following pass: SB 642

The bill was referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Committee on Agriculture recommends the following pass: SB 885

The Committee on Commerce recommends the following pass: HB 1597

The Committee on Health, Welfare and Institutions recommends the following pass:

SB 403	SB 727 with 1 amendment	SB 728
--------	-------------------------	--------

The Committee on Judiciary—Civil B recommends the following pass: SB 638

The Committee on Natural Resources and Conservation recommends the following pass: SB 597, SB 679 with 8 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Agriculture recommends a Committee Substitute for the following: SB 723

The bill with Committee Substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: HB 1699

The bill was referred to the Committee on Judiciary—Civil A under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for SB 796.

The bill with Committee Substitute attached was referred to the Committee on Judiciary—Civil A under the original reference.

The Committee on Commerce recommends the following not pass: SB 124

The Committee on Judiciary—Civil B recommends the following not pass: SB 637

The Committee on Judiciary—Criminal recommends the following not pass: SB 121, SJR 816

The Committee on Natural Resources and Conservation recommends the following not pass: SB 562, SB 581

The bills contained in the foregoing reports were laid on the table.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 300 with 4 amendments	SB 367 with 2 amendments
SB 330 with 4 amendments	SB 458 with 1 amendment

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were certified to the House.

On motion by Senator Lewis (33rd), Rule 4.4 was waived and permission was granted to file for introduction and consideration, a bill relating to Florida land sales.

On motion by Senator Lewis (33rd), unanimous consent was obtained to introduce out of order—

By Senators Lewis (33rd) and Barrow—

SB 1161—A bill to be entitled An act relating to the division of Florida land sales; amending §478.041(5), Florida Statutes, adding paragraph (d) thereto, to provide a restriction on the deposit of escrow accounts; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Karl, the Committee on Commerce was granted an additional 15 days for the consideration of all bills now in the committee.

On motion by Senator Knopke, the Committee on Natural Resources and Conservation was granted an additional 14 days for the consideration of

HB 1270	SB 261	SB 430	SB 670
SB 20	SB 375	SB 534	
SB 199	SR 395	SB 623	
SB 243	SB 401	SB 633	

On motion by Senator Bishop, the Committee on Agriculture was granted an additional 15 days for the consideration of Senate Bills 538 and 812.

On motion by Senator de la Parte, SB 294 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motions by Senator de la Parte, the rules were waived and the Committee on Ways and Means was granted permission to consider Senate Bills 104 and 828 this day.

On motions by Senator Deeb, SB 189 was withdrawn from the Committees on Judiciary—Criminal and Ways and Means by two-thirds vote and from further consideration of the Senate.

On motions by Senator Lewis (43rd), SB 179 was withdrawn from the Committees on Judiciary—Criminal and Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator Henderson, SB 568 was withdrawn from the Committee on Judiciary—Civil B by two-thirds vote and from further consideration of the Senate.

On motion by Senator Knopke, SB 892 was withdrawn from the Committee on Natural Resources and Conservation by two-thirds vote and from further consideration of the Senate.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas February 25, 1972
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 482, SB 113.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills contained in the above message were ordered enrolled.

The Honorable Jerry Thomas February 23, 1972
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has reconsidered, further amended and passed, as further amended—

By Senator Daniel—

SB 318—A bill to be entitled An act amending the Florida construction industry licensing law; providing that the state, or any county, or municipality, may require that bids for construction of public buildings be accompanied by evidence that the bidder holds a certificate of registration issued pursuant to such law; providing that state, county, and municipality officials shall determine compliance with such law before awarding a contract; providing an effective date.

Amendment 1—

On page 2, line 5, strike

"holds a"

and insert the following:

holds an appropriate

Amendment 2—

In the title, On page 1, line 9, strike

"holds a"

and insert the following:

holds an appropriate

Amendment 3—

In the title, On page 1, line 10, strike

"of"

and insert the following:

or

Amendment 4—

On page 2, line 5, strike

"of"

and insert the following:

or

Amendment 5—

On page 1, strike

all of lines 21 through 27

and insert the following:

(10) This part applies to any contractor performing work for the state, county, or any municipality. ~~He is~~ *Officers of the state, county, or any municipality are* required to determine compliance with this part before ~~giving a commencement order~~ *awarding* any of his contracts for construction, improvement, remodeling or repair.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Daniel, the Senate concurred in House amendments 1, 2, 3, 4 and 5 to SB 318.

SB 318 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—36

Mr. President	Childers	Johnson (29th)	Reuter
Arnold	Daniel	Johnson (34th)	Saunders
Barron	de la Parte	Karl	Saylor
Barrow	Gong	Lane	Scarborough
Beaufort	Gunter	Lewis (33rd)	Stolzenburg
Bell	Haverfield	Lewis (43rd)	Trask
Bishop	Henderson	McClain	Ware
Boyd	Hollahan	Plante	Weissenborn
Brantley	Horne	Poston	Williams

Nays—None

The Honorable Jerry Thomas
President of the Senate

February 25, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Poston—

SB 108—A bill to be entitled An act relating to shipment of motor vehicles; amending §§1 and 2 of chapter 70-289, Laws of

Florida, appearing as §814.07, Florida Statutes, 1970 Supplement; prohibiting any person, vessel or aircraft from accepting at ports or airports in this state any motor vehicle for shipment to a point outside the United States without requiring the presentation of a certificate of possession; providing for application for such certificate; prescribing the requirements for and providing for the issuance of certificates of possession by the department of highway safety and motor vehicles; prohibiting certain acts relative to the falsification of such certificates; prescribing penalties; providing an effective date.

Amendment 1—

On page 4, lines 23—26, strike “and shall be fined not more than five thousand dollars (\$5,000.00) or be confined in the state penitentiary for not more than five (5) years or both.” and insert the following: of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

Amendment 2—

On page 5, line 1, strike the period and insert the following: of the second degree, punishable as provided in §775.082 or §775.083.

Amendment 3—

On page 5, line 3, strike “September” and insert the following: October

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Poston, the Senate concurred in House amendments 1, 2 and 3 to SB 108.

SB 108 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—35

Mr. President	Daniel	Johnson (29th)	Saunders
Arnold	de la Parte	Johnson (34th)	Saylor
Barrow	Gong	Karl	Scarborough
Beaufort	Graham	Lane	Stolzenburg
Bell	Gunter	Lewis (43rd)	Trask
Bishop	Haverfield	McClain	Ware
Brantley	Henderson	Plante	Weissenborn
Broxson	Hollahan	Poston	Williams
Childers	Horne	Reuter	

Nays—None

RESOLUTIONS

On motion by Senator Poston, consideration of SCR 911 was deferred.

UNFINISHED BUSINESS

CS for SB 66 with pending amendment was removed from the order of unfinished business by direction of the President and placed on the general order calendar.

On motion by Senator Daniel, consideration of CS for HB 3020 was deferred.

SPECIAL AND CONTINUING ORDER

On motion by Senator Henderson, SB 432 was removed from the calendar and from further consideration of the Senate.

SPECIAL ORDER

SB 743—A bill to be entitled An act relating to public officers and employees; amending §112.061(7)(c), Florida Statutes, relating to per diem and traveling expenses; providing that said officers and employees may use a flight check or credit card to travel by other than the most economical means provided that they reimburse to the proper agency, the extra expense; providing an effective date.

—was read the second time by title. On motion by Senator Hollahan, by two-thirds vote SB 743 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Mr. President	Ducker	Knopke	Saunders
Arnold	Gong	Lane	Saylor
Barrow	Graham	Lewis (33rd)	Scarborough
Beaufort	Gunter	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Brantley	Henderson	Myers	Weber
Broxson	Hollahan	Ott	Weissenborn
Daniel	Johnson (29th)	Plante	Wilson
Deeb	Johnson (34th)	Poston	
de la Parte	Karl	Reuter	

Nays—None

By unanimous consent Senators Bishop, Williams and Pope were recorded as voting yea.

SB 594—A bill to be entitled An act relating to criminal procedure; amending chapter 910, Florida Statutes, by adding § 910.035, Florida Statutes; to provide for transfer of plea and sentence in criminal cases; amending § 910.03, Florida Statutes, in compliance with these provisions; providing an effective date.

—was read the second time by title.

The Committee on Judiciary—Criminal offered the following amendment which was adopted on motion by Senator Wilson:

Amendment 1—On page 3, lines 24—27 strike the words “in the event conclusive evidence introduced at trial discloses that the crime was committed in a county other than that in which the case is tried, and” and after the word “committed” on line 24 insert a period (.) Capitalize the letter “s” in “such” on line 27.

On motion by Senator Hollahan, by two-thirds vote SB 594 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—42

Mr. President	Ducker	Knopke	Saunders
Arnold	Fincher	Lane	Saylor
Barrow	Gong	Lewis (33rd)	Scarborough
Beaufort	Graham	Lewis (43rd)	Stolzenburg
Bell	Gunter	McClain	Ware
Brantley	Haverfield	Myers	Weber
Broxson	Henderson	Ott	Weissenborn
Childers	Hollahan	Plante	Williams
Daniel	Johnson (29th)	Pope	Wilson
Deeb	Johnson (34th)	Poston	
de la Parte	Karl	Reuter	

Nays—None

By unanimous consent Senators Trask and Bishop were recorded as voting yea.

CS for HB 1204—A bill to be entitled An act relating to the claims against officers or employees of the state or its subdivisions, amending chapter 768, Florida Statutes, by adding section 768.15; authorizing the defense of tort claims against officers or employees of the state and its subdivisions; providing an effective date.

—was read the second time by title.

The Committee on Governmental Efficiency offered the following amendment which was adopted on motion by Senator Daniel:

Amendment 1—On page 1, line 18, strike “subdivision” and insert: political subdivision of the state

On motion by Senator Wilson, by two-thirds vote CS for HB 1204 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—40

Mr. President	de la Parte	Karl	Reuter
Arnold	Ducker	Lane	Saunders
Barron	Fincher	Lewis (33rd)	Sayler
Barrow	Gong	Lewis (43rd)	Scarborough
Beaufort	Gunter	McClain	Stolzenburg
Bell	Haverfield	Myers	Trask
Bishop	Henderson	Ott	Ware
Brantley	Hollahan	Plante	Weissenborn
Broxson	Johnson (29th)	Pope	Williams
Childers	Johnson (34th)	Poston	Wilson

Nays—None

By unanimous consent Senator Daniel was recorded as voting yea.

On motion by Senator Deeb, HB 3178 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and placed on the calendar.

SB 450 was taken up and on motion by Senator Deeb—

HB 3178—A bill to be entitled An act relating to alcoholic beverages; amending Section 561.34(3)(g), Florida Statutes, as created by chapter 71-361, Laws of Florida, providing for tax to be imposed on vendors operating places of business for consumption for more than three (3) permanent locations within said premises and excluding therefrom service bars and temporary or portable bars; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 3178 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

Mr. President	Ducker	Knopke	Saunders
Arnold	Fincher	Lane	Sayler
Barron	Gong	Lewis (33rd)	Scarborough
Beaufort	Graham	Lewis (43rd)	Stolzenburg
Bell	Gunter	McClain	Trask
Bishop	Haverfield	Myers	Ware
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Johnson (29th)	Pope	Wilson
Deeb	Johnson (34th)	Poston	
de la Parte	Karl	Reuter	

Nays—None

By unanimous consent Senator Daniel was recorded as voting yea. Pursuant to Rule 1.36, Senator Barrow recused himself from voting.

SB 450 was laid on the table.

SB 244 was taken up, together with:

By the Committee on Commerce—

CS for SB 244—A bill to be entitled An act relating to interest on rent security deposits; amending subsection (2) of §83.261, Florida Statutes, as amended by chapter 70-360, Laws of Florida, and subsection (4) of said section, to provide for the payment of five percent (5%) interest on all such deposits over one hundred dollars (\$100); providing an effective date.

—which was read the first time by title and SB 244 was laid on the table.

On motion by Senator Weissenborn, by two-thirds vote CS for SB 244 was read the second time by title.

Senator Deeb moved the adoption of the following amendment which failed:

Amendment 1—On page 2, strike all of lines 10—20 and insert: (b) *In lieu of holding the security deposits in trust as provided in subsection (2)(a) above, the landlord may: (i) if the landlord has posted a surety bond as provided in subsection (2)(a) above, the landlord may use the security deposits in the ordinary course of his trade or business, provided that if he does so he must so advise the tenant and must pay to the tenant upon refund of all or a portion of the security deposit interest on the amount refunded at the prime rate then charged by commercial banks in the area where the housing unit is located; or*

(ii) place the security deposits in an interest bearing account, provided that if he does so he must so advise the tenant and must pay to the tenant upon refund of all or a portion of the security deposit an amount equal to fifty percent (50%) of the amount of interest earned on the amount of security deposit refunded to the tenant.

On motion by Senator Ware, the following amendment was adopted:

Amendment 2—On page 2, line 19, insert: at least after "collect"

On motion by Senator Weissenborn, by two-thirds vote CS for SB 244 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—41

Mr. President	Ducker	Karl	Saunders
Arnold	Fincher	Lane	Stolzenburg
Barron	Gong	Lewis (33rd)	Trask
Beaufort	Graham	Lewis (43rd)	Ware
Bell	Gunter	McClain	Weber
Bishop	Haverfield	Myers	Weissenborn
Brantley	Henderson	Ott	Williams
Childers	Hollahan	Plante	Wilson
Daniel	Horne	Pope	
Deeb	Johnson (29th)	Poston	
de la Parte	Johnson (34th)	Reuter	

Nays—None

By unanimous consent Senator Barrow was recorded as voting yea.

On motion by Senator Hollahan, the rules were waived and afternoon committee meetings scheduled for February 28 were re-scheduled for February 29 between 2:00 p.m. and 6:00 p.m.

On motion by Senator Hollahan, the rules were waived and sessions for February 28 were scheduled for 10 a.m. until 12:00 noon and 2:00 p.m. until 6:00 p.m.

Senator Karl presiding.

SB 386—A bill to be entitled An Act relating to mechanic's liens; creating section 713.021, Florida Statutes, to require a lienor to have an occupational license as a prerequisite to obtaining a lien when otherwise required by law; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 386 was read the third time by title, passed and certified to the House. The vote was:

Yeas—21

Arnold	Deeb	Horne	Sayler
Barrow	de la Parte	Karl	Ware
Bell	Ducker	McClain	Weissenborn
Brantley	Gong	Plante	
Broxson	Gunter	Poston	
Daniel	Hollahan	Saunders	

Nays—20

Mr. President	Graham	Lewis (43rd)	Thomas
Barron	Haverfield	Myers	Trask
Bishop	Henderson	Ott	Wilson
Boyd	Johnson (34th)	Pope	
Childers	Lane	Scarborough	
Fincher	Lewis (33rd)	Stolzenburg	

SB 549—A bill to be entitled An act relating to the Florida retirement system; amending section 121.081(1), Florida Statutes, by adding paragraph (c) to provide for retirement credit for employees in the Cuban Refugee Assistance Program for service prior to January 1, 1968; providing an effective date.

—was taken up and read the second time by title.

The Committee on Personnel, Retirement and Claims offered the following amendment which was adopted on motion by Senator Hollahan:

Amendment 1—On page 2, line 6, strike the period (.) and insert: ; provided, however, that in no event will eligibility for "past service" be established unless required contributions are paid into the Florida Retirement System for such period of "past service" and such contributions are not paid from general revenue funds of the State of Florida.

On motion by Senator Hollahan, by two-thirds vote SB 549 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

Mr. President	Daniel	Horne	Poston
Arnold	de la Parte	Johnson (34th)	Reuter
Barron	Ducker	Karl	Sayler
Barrow	Fincher	Knopke	Scarborough
Beaufort	Gong	Lane	Stolzenburg
Bishop	Graham	Lewis (33rd)	Trask
Boyd	Gunter	Lewis (43rd)	Ware
Brantley	Haverfield	Myers	Weissenborn
Broxson	Henderson	Ott	Wilson
Childers	Hollahan	Pope	

Nays—None

By unanimous consent Senator McClain was recorded as voting yea.

The Chair appointed Senators Ware, Wilson, Sayler and Deeb as a committee to escort Congressman Bill Young to the rostrum, where he addressed the Senate briefly.

SB 455 was taken up, together with:

By the Committee on Universities and Community Colleges—

CS for SB 455—A bill to be entitled An act relating to the department of education; creating section 229.8021, Florida Statutes, to require the division of universities to revise the requirements for the granting of baccalaureate degrees; to provide the methods whereby the division of universities, the division of community colleges and the division of elementary and secondary education may accomplish the revision; providing an effective date.

—which was read the first time by title and SB 455 was laid on the table.

On motion by Senator Thomas, by two-thirds vote CS for SB 455 was read the second time by title.

Senator Daniel moved the adoption of the following amendment:

Amendment 1—On page 1, strike lines 21—30 and page 2, lines 1—9 and insert: 229.8021.—Commission on Student Articulation. The Commissioner of Education shall establish a commission on Student Articulation, which commission shall be composed of representatives of the divisions within the department of education. The commission shall submit its report and recommendations to the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives at least thirty (30) days prior to the 1973 Legislative Session. Such report and recommendations shall include specific legislation and administration recommendations to remove constraints and facilitate Student Articulation at all levels of Public Education. The studies of the commission shall include but not be limited to the following:

Senator Ware moved the adoption of the following substitute amendment which failed:

Amendment 2—On page 2, line 3 after the period insert: Commission on Student Articulation and commissioner of education shall establish a commission on student articulation, which commission shall be composed of representatives of the divisions within the Department of Education. The commission shall submit its report and recommendations to the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives.—

The vote was:

Yeas—18

Barrow	de la Parte	Knopke	Sayler
Bell	Ducker	Lewis (33rd)	Thomas
Bishop	Haverfield	Ott	Ware
Brantley	Johnson (29th)	Plante	
Deeb	Johnson (34th)	Reuter	

Nays—23

Arnold	Graham	McClain	Trask
Boyd	Hollahan	Myers	Weber
Broxson	Horne	Pope	Weissenborn
Childers	Karl	Poston	Williams
Daniel	Lane	Saunders	Wilson
Fincher	Lewis (43rd)	Scarborough	

Senator Thomas moved the adoption of the following substitute amendment:

Amendment 3—In Section 1, line 22, page 1, following "department of education" insert: , the division of community colleges and the division of elementary and secondary education

On motion by Senator Thomas the following amendment to the amendment was adopted:

Amendment 3a—Strike "and the division of elementary and secondary education"

The substitute amendment as amended was adopted. The vote was:

Yeas—21

Mr. President	Deeb	Knopke	Sayler
Arnold	de la Parte	Lewis (33rd)	Scarborough
Barrow	Ducker	Lewis (43rd)	Ware
Bishop	Haverfield	Plante	
Brantley	Hollahan	Pope	
Childers	Karl	Reuter	

Nays—16

Bell	Graham	McClain	Trask
Boyd	Horne	Myers	Weissenborn
Broxson	Johnson (29th)	Poston	Williams
Daniel	Lane	Saunders	Wilson

Senator Hollahan moved that time of adjournment be extended until final consideration of CS for SB 455 and reading of Messages from the Governor which failed to receive the necessary two-thirds vote for adoption. The vote was:

Yeas—23

Mr. President	Ducker	Lewis (33rd)	Sayler
Arnold	Haverfield	Lewis (43rd)	Scarborough
Barrow	Hollahan	McClain	Stolzenburg
Brantley	Johnson (29th)	Plante	Ware
Deeb	Karl	Pope	Wilson
de la Parte	Knopke	Poston	

Nays—15

Bell	Childers	Lane	Trask
Bishop	Daniel	Myers	Weissenborn
Boyd	Graham	Reuter	Williams
Broxson	Horne	Saunders	

Senator Thomas moved the adoption of the following amendment:

Amendment 4—On page 2, line 6 between the words "methods" and "may" insert: in addition to the reduction of required credit hours

On motion by Senator Hollahan, the Senate proceeded to the consideration of—

EXECUTIVE BUSINESS

By direction of the Presiding officer, the Secretary read the following communications and Executive Orders:

REGISTERED—RETURN RECEIPT REQUESTED

Honorable Robert L. Jane February 24, 1972
Post Office Box 43
Altamonte Springs, Florida

Dear Mr. Jane:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Amended Executive Order of Suspension dated February 24, 1972.

With kind regards, I remain

Cordially,
RICHARD (DICK) STONE
Secretary of State

By (Mrs.) Dorothy W. Glisson
Director
Division of Elections

EXECUTIVE ORDER NUMBER 72-15

Amended Executive Order of Suspension

WHEREAS, Robert L. Jane also known as Bob Jane is presently serving as Constable, District 6, Seminole County, Florida, and

WHEREAS, an investigation was made concerning complaints received from citizens in Seminole County, relating to the conduct of Robert L. Jane, and

WHEREAS, on the 4th day of August, 1970, the Grand Jurors of the State of Florida in and for Seminole County returned a true bill against, and did thus indict, Robert L. Jane on certain criminal charges, inter-alia, assault and battery, falsification of an official record, and perjury, and

WHEREAS, I find that it is in the best interest for the citizens of the State of Florida that Robert L. Jane be immediately suspended from the public office which he now holds;

NOW, THEREFORE, I REUBIN O'D. ASKEW, Governor of the State of Florida, pursuant to the Constitution and laws of the State of Florida, do hereby find, determine and, for the purpose of Section 112.41, Florida Statutes, allege and specify:

A. That Robert L. Jane is, and at all times material hereto, was a "County Officer" within the meaning of Section 7, Article IV, Florida Constitution of 1968, to-wit: Constable, District 6, Seminole County, Florida.

B. That on the 26th day of December, 1969, in the County of Seminole Bob Jane did voluntarily, deliberately, and willfully under oath then and there legally administered to him by W. Thomas Lovett, Justice of the Peace District Six, Seminole County, Florida, the said W. Thomas Lovett, being then and there duly authorized by law to administer said oath, the said Bob Jane did falsely swear in a writing known as an affidavit for an arrest warrant which is attached hereto and marked exhibit "A" and incorporated herein by reference that one Joseph Surprenant was in an intoxicated condition in the Justice of the Peace District Six, in Seminole County, Florida, at the Regency Square on SR 436, Seminole County, Florida, whereas in truth and in fact the said Bob Jane knew that he came upon the said Joseph Surprenant outside the City of Casselberry and in the Justice of the Peace District Three, Seminole County, Florida, and further the said Bob Jane knew that if the said Joseph Surprenant had committed an offense against the peace and dignity of the State of Florida that said offense was committed in the Justice of the Peace District Three as aforesaid; that

false statement being a material statement in a proceeding or in relation to a matter that is within the jurisdiction of the Justice of the Peace, W. Thomas Lovett, aforesaid, to-wit: the taking of affidavits and issuance of arrest warrants pursuant thereto for offenses committed in his district aforesaid, contrary to the form of Statute F.S. 837.01 in such case made and provided, and against the peace and dignity of the State of Florida.

C. That on the 26th day of December, 1969, in the County of Seminole Bob Jane, did falsify a certain public record more commonly known as an arrest record which is attached hereto and marked exhibit "A" and incorporated herein by reference, in that Bob Jane reported and certified in said public record aforesaid that one Joseph Surprenant committed an offense at the Regency Square on State Road 436 in Casselberry, Florida Seminole County, Florida, whereas in truth and fact the said Bob Jane knew that he came upon the said Joseph Surprenant outside the City of Casselberry, and further Bob Jane knew that if the said Joseph Surprenant had committed an offense against the peace and dignity of the State of Florida that said offense was committed outside of the City of Casselberry, Seminole County, Florida, contrary to the form of Statute F.S. 839.13 in such case made and provided, and against the peace and dignity of the State of Florida.

D. That the aforesaid facts constitute the "offenses" of malfeasance, misfeasance, neglect of duty or commission of a felony as used in Section 7(a) of Article IV, Florida Constitution.

E. That the interests of the citizens of Seminole County, Florida and the State of Florida can best be served by the immediate suspension of Robert L. Jane as Constable, District 6, Seminole County, Florida.

BEING FULLY ADVISED in the premises and in accordance with the Constitution and laws of the State of Florida, the following Executive Order is hereby promulgated, effective immediately:

1. That Robert L. Jane be, and he is hereby suspended, as and from the public office which he now holds, to-wit: Constable, District 6, Seminole County, Florida.

2. That Robert L. Jane be, and he is hereby prohibited from performing any official act, duty or function of any public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date of this order until further Executive Order or as provided by law.

3. That Executive Order of Governor Claude R. Kirk dated August 5, 1970, is superseded by this amended order.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 24th day of February, A.D. 1972.

REUBIN O'D. ASKEW
Governor

ATTEST:
RICHARD (DICK) STONE
Secretary of State

IN THE CIRCUIT COURT EIGHTEENTH
JUDICIAL CIRCUIT, IN AND FOR
SEMINOLE COUNTY, FLORIDA

INDICTMENT NO. 3095

STATE OF FLORIDA,

vs.

BOB JANE,
Defendant.

COUNT I—FALSIFYING RECORDS F. S. 839.13
COUNT II—FALSIFYING RECORDS F. S. 839.13

IN THE NAME AND BY THE AUTHORITY OF THE STATE
OF FLORIDA:

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA FOR SEMINOLE COUNTY, AT THE SPRING TERM, in the year of our Lord one thousand nine hundred and seventy, in Seminole County, Florida to-wit:

The Grand Jurors of the State of Florida inquiring in and for the body of the County of Seminole, upon their oaths do present that BOB JANE on the 26th day of December, 1969, in the County of Seminole aforesaid, did falsify a certain public record more commonly known as an arrest record which is attached hereto and marked exhibit "A" and incorporated herein by reference, in that BOB JANE reported and certified in said public record aforesaid that one Joseph Surprenant committed an offense at the Regency Square on State Road 436 in Casselberry, Florida Seminole County, Florida, whereas in truth and fact the said BOB JANE knew that he came upon the said Joseph Surprenant outside the City of Casselberry, and further BOB JANE knew that if the said Joseph Surprenant had committed an offense against the peace and dignity of the State of Florida that said offense was committed outside of the City of Casselberry, Seminole County, Florida, contrary to the form of Statute F.S. 839.13 in such case made and provided, and against the peace and dignity of the State of Florida;

COUNT II

The Grand Jurors aforesaid further present that in the County of Seminole, State of Florida, that BOB JANE, on the 26th day of December, 1969, did falsify a certain public record more commonly known as an arrest record which is attached hereto and marked as exhibit "A" and incorporated herein by reference, in that BOB JANE reported and certified in said public record aforesaid that Joseph Surprenant was arrested in Casselberry, Florida, whereas in truth and in fact the said BOB JANE knew that the said Joseph Surprenant was arrested outside the City of Casselberry, Florida, contrary to the form of Statute F.S. 839.13 in such case made and provided, and against the peace and dignity of the State of Florida.

A TRUE BILL

Edwin C. Aiken
Foreman of the Grand Jury

I HEREBY CERTIFY that I have as authorized and required by law advised the Grand Jury returning the foregoing indictment.

Thomas A. Speer
Assistant State Attorney

Circuit Court Minute
Book 18 page 444-B

SEMINOLE COUNTY ARREST RECORD

Docket No. 69-2259 Arrest No. _____
Date December 26, 1969

NAME Joseph Julian Surprenant Race W Height _____
Weight _____ Sex M

Address 5037 Lake Howell Road, Winter Park, Florida 32789

D.O.B. 1-19-13 P.O.B. Mass. Occupation Engineer

Charge Public Intoxication Bond \$30.00

Place of Arrest SR 536, Casselberry Time 9:45 P.M.

Facts WHEREAS Bob Jane has this day made oath before me that on the 26 day of December, A.D. 1969, in the County and Justice's District aforesaid, one Joseph Julian Surprenant did become drunk and intoxicated by the voluntary use of intoxicating beverages in Seminole County, Florida and did appear in an intoxicated condition at the Regency Square on SR 436 in Casselberry, Seminole County, Florida.

Subject was arrested at this time for public intoxication.

WITNESSES:

Name Bob Jane, Constable District 6

Address Altamonte Springs, Florida

Name _____

Address _____

Name _____

Address _____

I, the undersigned officer, do hereby certify that the foregoing facts and information are true and correct to the best of my information and belief.

Bob Jane, Constable
District Six, Altamonte Springs

costs: 11.55

CIRCUIT COURT MINUTE
BOOK 18 PAGE 445-B

Exhibit "A"

IN THE CIRCUIT COURT EIGHTEENTH
JUDICIAL CIRCUIT, IN AND FOR
SEMINOLE COUNTY, FLORIDA

INDICTMENT NO. 3097

STATE OF FLORIDA,

vs.

PERJURY F.S. 837.01

BOB JANE,
Defendant.

IN THE NAME AND BY THE AUTHORITY
OF THE STATE OF FLORIDA:

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA FOR SEMINOLE COUNTY, AT THE SPRING TERM, in the year of our Lord one thousand nine hundred and seventy, in Seminole County, Florida, to-wit:

The Grand Jurors of the State of Florida inquiring in and for the body of the County of Seminole, upon their oaths do present that BOB JANE on the 26th day of December, 1969, in the County of Seminole aforesaid did voluntarily, deliberately, and wilfully under oath then and there legally administered to him by W. Thomas Lovett, Justice of the Peace District Six, Seminole County, Florida, the said W. Thomas Lovett, being then and there duly authorized by law to administer said oath, the said BOB JANE did falsely swear in a writing known as an affidavit for an arrest warrant which is attached hereto and marked exhibit "A" and incorporated herein by reference that one Joseph Surprenant was in an intoxicated condition in the Justice of the Peace District Six, in Seminole County, Florida, at the Regency Square on SR 436, Seminole County, Florida, whereas in truth and in fact the said BOB JANE knew that he came upon the said Joseph Surprenant outside the City of Casselberry and in the Justice of the Peace District Three, Seminole County, Florida, and further the said BOB JANE knew that if the said Joseph Surprenant had committed an offense against the peace and dignity of the State of Florida that said offense was committed in the Justice of the Peace District Three as aforesaid; said false statement being a material statement in a proceeding or in relation to a matter that is within the jurisdiction of the Justice of the Peace, W. Thomas Lovett, aforesaid, to-wit: the taking of affidavits and issuance of arrest warrants pursuant thereto for offenses committed in his district aforesaid, contrary to the form of Statute F.S. 837.01 in such case made and provided, and against the peace and dignity of the State of Florida.

A TRUE BILL

Edwin C. Aiken
Foreman of the Grand Jury

I HEREBY CERTIFY that I have as authorized and required by law advised the Grand Jury returning the foregoing indictment.

Thomas A. Speer
Assistant State Attorney

CIRCUIT COURT MINUTE
BOOK 18 PAGE 441-B

STATE OF FLORIDA

vs.

JOSEPH JULIAN
SURPRENANT WM

AFFIDAVIT
In Court of Justice of the Peace
SIXTH DISTRICT,
SEMINOLE COUNTY,
STATE OF FLORIDA

AFFIDAVIT
STATE OF FLORIDA In Court of Justice of the Peace
vs. SIXTH DISTRICT,
JOSEPH JULIAN SEMINOLE COUNTY,
SURPRENANT WM STATE OF FLORIDA

Before me, a Justice of the Peace in and for said County, personally came Bob Jane who being duly sworn, says that on the 26 day of December, A.D. 1969, in the County and Justice's District aforesaid, one

Joseph Julian Surprenant did become drunk and intoxicated by the voluntary use of intoxicating beverages in Seminole County, Florida and did appear in an intoxicated condition at the Regency Square on SR 436 in Casselberry, Seminole County, Florida

contrary to the statute in such case made and provided, and against the peace and dignity of the State of Florida.

him Joseph Julian Surprenant
 Bob Jane

Sworn to and subscribed before me this 26 day of December 1969

W. Thomas Lovett (SEAL)
Justice of the Peace, Sixth District,
Seminole County

EXHIBIT "A"

CIRCUIT COURT MINUTE
BOOK 18 PAGE 442-B

SEMINOLE COUNTY
ARREST RECORD

Arrest No. _____

Docket No. 69-2259

Date December 26, 1969

NAME Joseph Julian Surprenant Race W Height _____

Weight _____ Sex M

Address 5037 Lake Howell Road, Winter Park, Florida 32789
D.O.B. 1-19-13 P.O.B. Mass. Occupation Engineer

Charge Public Intoxication Bond \$30.00

Place of Arrest SR 536, Casselberry Time 9:45 P.M.

Facts WHEREAS Bob Jane has this day made oath before me that on the 26 day of December, A.D. 1969, in the County and Justice's District aforesaid, one Joseph Julian Surprenant did become drunk and intoxicated by the voluntary use of intoxicating beverages in Seminole County, Florida and did appear in an intoxicated condition at the Regency Square on SR 436 in Casselberry, Seminole County, Florida.

Subject was arrested at this time for public intoxication.

WITNESSES:

Name Bob Jane, Constable District 6

Address Altamonte Springs, Florida

Name _____

Address _____

Name _____

Address _____

I, the undersigned officer, do hereby certify that the foregoing facts and information are true and correct to the best of my information and belief.

Bob Jane, Constable
District Six, Altamonte Springs

costs: 11.55

CIRCUIT COURT MINUTE
BOOK 18 PAGE 445-B

EXHIBIT "A"

—which were referred to the Select Committee on Executive Suspensions.

On motion by Senator Hollahan, by two-thirds vote the Senate reconsidered the vote by which SB 594 as amended passed this day. On motion by Senator Hollahan, by two-thirds vote the Senate reconsidered the vote by which SB 594 was read the third time by title.

On motion by Senator de la Parte, SB 60 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator de la Parte the rules were waived and the Committee on Ways and Means was granted permission to consider SB 172 this day.

On motion by Senator Daniel, the Committee on Governmental Efficiency was granted an additional 15 days for the consideration of Senate Bills 616, 621, 631 and 550.

On motion by Senator Haverfield, the Committee on Universities and Community Colleges was granted an additional 15 days for the consideration of—

SB 381-SF	SJR 457	SB 683	SB 713
SJR 454	SB 518	SB 688	
SB 456	SJR 193	HCR 3174	

Senator Myers announced that the Tuesday, February 29 meeting of the Committee on Health, Welfare and Institutions will be cancelled and the bills agendaed for that meeting will be heard Thursday, March 2.

Co-introducer

By permission Senator Barron was recorded as a co-introducer of SB 390.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:02 p.m. to convene at 8:30 a.m. for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 10:00 a.m., February 28, 1972.